

REMARKS

STATUS OF THE CLAIMS

Claims 1-27 are pending in the application.

Claims 8-12 are rejected under 35 U.S.C. 101.

Claims 1, 3, 8, 10, 15, 17 and 25-27 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,131,085 to Rossides.

Claims 2, 4, 6, 7, 9, 11, 13, 14, 16, 18, and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rossides.

Claims 5, 12, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rossides in view of U.S. Patent No. 5,893,903 to Eisdorfer et al.

According to the foregoing, the claims are amended. Thus, claims 1-27 remain pending for reconsideration, which is respectfully requested.

No new matter has been added.

35 USC 101 REJECTION

The Office Action page 2, item 1 rejects independent claim 8 and dependent claims 9-12 thereof for allegedly being directed to non-statutory subject matter. In particular, the Office Action page 5 provides these claims are not within the "technological arts."

According to the foregoing, the independent claim 8 is amended taking into consideration the Examiner's comments. Withdrawal of the rejection is respectfully requested.

Further, in a precedential decision of Ex Parte Lundgren, Appeal 2003-2088 (October 2005), the USPTO Board of Patent Appeals and Interferences has ruled "that there is currently no judicially recognized 'technological arts' test to determine patent eligible subject matter under §101." Accordingly, it is respectfully requested that at least the rejection be withdrawn for lack of a foundation in the law.

35 USC 102 & 103 REJECTIONS

The independent claims are 1, 8, 15, 25, 26 and 27.

The claimed present invention, as recited in each independent claims, generally has the following two features (A) and (B):

(A) a storage module storing amounts of share target money, which should be shared to a plurality of service providers, extracted from profits of an agency service provider obtained by operating for a predetermined period an agency service for providing users with a plurality of services provided from the plurality of service providers;

(B) a calculation module calculating an amount of shared money allocated to each of the plurality of service providers from within the amount of share target money stored in the storage module on the basis of a frequency of providing the users with each service of each of the plurality of service providers during the predetermined period.

Rossides column 2, lines 63-67 discuss an online system for collecting and selling answers, where the system charges users who receive answers and pays users who supply those answers. Regarding the above-mentioned feature (A), although Rossides column 234, lines 31-32, which the Office Action page 5, item 3 relies upon to reject the independent claims, discusses registering charges charged people for using the system, Rossides fails to teach or suggest the claimed present invention's "**storing ... share target money ... shared to a plurality of service providers each providing one or more services, of the share target money extracted from profits of an agency service provider providing an agency service through which the plurality of service providers provide the services to users and the profits obtained by operating for a predetermined period and the agency service ...**"

Also, regarding the above-mentioned feature (B), although Rossides column 12, lines 15-21, which the Office Action page 6 relies upon to reject the independent claims, provides a discussion related to a number of times an answer has been requested, Rossides fails to teach or suggest the claimed present invention's "**calculating an amount of shared money allocated to each of the plurality of service providers from within the amount of share target money stored in the storage module on the basis of based upon a frequency of providing the users with each service of each of the plurality of service providers** during the predetermined period."

In other words, Rossides fails to teach or suggest (1) “*an agency service provider*” or an agent that provides “*an agency service through which the plurality of service providers provide the services to users*,” and (2) sharing (distributing) the share target money extracted from the agency service provider’s or the agent’s profit, which is obtained by providing the agency service to each service provider, based on a frequency of providing the users with a service from a service provider. The present Application page 9, line 10 to page 10, line 20 provides support for the claimed present invention.

Therefore, Rossides cannot anticipate the claimed present invention as recited in the independent claims, because Rossides fails to disclose, either expressly or inherently, each and every element of the claimed present invention’s “*storing ... share target money ... shared to a plurality of service providers each providing one or more services, of the share target money extracted from profits of an agency service provider providing an agency service through which the plurality of service providers provide the services to users and the profits obtained by operating for a predetermined period and the agency service ... and calculating an amount of shared money allocated to each of the plurality of service providers from within the amount of share target money ... based upon a frequency of providing the users with each service of each of the plurality of service providers*” during the predetermined period.” Withdrawal of the rejection of pending claims and allowance of pending claims is respectfully requested.

Dependent claims recite patentably distinguishing features of their own or are at least patentably distinguishing due to their dependencies on the independent claims.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
STAAS & HALSEY LLP

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By: 
Mehdi D. Sheikerz
Registration No. 41,307

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501